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Protection of and assistance to internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, in accordance with Assembly resolution 68/180 and Human Rights Council resolution 23/8.

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Report of the Special Rapporteur on the human rights of internally displaced persons

Summary

In the present report, the Special Rapporteur outlines the main activities that he undertook from August 2013 to July 2014. In the thematic section, he addresses the challenge of finding durable solutions for internally displaced persons in urban settings. The report is therefore intended to serve as an advocacy and policy tool for States, authorities at all levels, including municipal authorities, development and humanitarian actors and donors on how to jointly contribute, with the full participation of the internally displaced persons concerned, to durable solutions in urban areas.

I. Introduction

1. The present report provides an overview of the main activities undertaken by the Special Rapporteur on the human rights of internally displaced persons from August 2013 to July 2014. It also contains a thematic section on durable solutions for internally displaced persons in urban settings.

II. Mandate and activities of the Special Rapporteur

A. Mandate

2. The Human Rights Council, in its resolution 23/8, mandated the Special Rapporteur to address the complex problem of internal displacement, in particular by engaging in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, continuing and enhancing dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors, working towards strengthening the international response to internal displacement and mainstreaming the human rights of the internally displaced into all relevant parts of the United Nations system.

3. In accordance with his mandate, the Special Rapporteur endeavours to promote a rights-based approach to internal displacement through dialogue with Governments, the United Nations, regional organizations and the international community. He wishes to express his appreciation to those Governments that have issued invitations or otherwise engaged with him and to the various United Nations agencies and other intergovernmental or non-governmental organizations that have supported his activities.

B. Country visits

4. Since his previous report to the General Assembly (A/68/225), the Special Rapporteur has undertaken country visits to Serbia, including Kosovo,[1] South Sudan and Sri Lanka. The findings of his missions can be found in the thematic report submitted to the Human Rights Council in June 2014 (A/HRC/26/33, paras. 6-15) and in the addenda thereto (A/HRC/26/33/Add.2-4). In addition, the Special Rapporteur undertook country visits to Kenya, Azerbaijan, Côte d'Ivoire and Haiti during the reporting period. The central message of all those visits was the call for durable solutions for internally displaced persons.

Kenya

5. Finding durable solutions for internally displaced persons is a long and complex process that requires humanitarian, development and peacebuilding action, as reiterated by the Special Rapporteur in his continued dialogue with the Government of Kenya during his follow-up visit from 29 April to 7 May 2014. He found that, although progress had been made in supporting those internally

[1] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

displaced by the post-election violence of 2007-2008 to find durable solutions, significant obstacles to achieving that goal persisted, most notably regarding socioeconomic and political integration.

6. The Special Rapporteur also highlighted the situation of those newly displaced as a result of other major and recurrent events, including ethnic and intercommunal violence or natural disasters, during his visit to Moyale, in the northern county of Marsabit. He urged the Government to implement, without further delay, its progressive legislation on the prevention of and assistance and protection to internally displaced persons and other affected communities, which was enacted in 2012.

Azerbaijan

7. From 18 to 24 May, the Special Rapporteur visited Azerbaijan at the invitation of the Government. He visited settlements in and around Baku and in the western district of Agdam.

8. He welcomed the significant progress made by the Azerbaijani authorities, through the construction of durable housing in both rural and urban areas, in improving the living conditions of the population in general and of internally displaced persons in particular.

9. He called for peace and development rights-based approaches to durable solutions for internally displaced persons. He noted that reaching a peaceful settlement to the unresolved conflict was critical to resolving the protracted situation of internal displacement, which had lasted for more than 20 years in Azerbaijan. He also noted that the inclusion of internally displaced persons in development planning strategies in such areas as housing, education, health and employment was necessary to strengthen their resilience, livelihood opportunities and self-reliance. He insisted that internally displaced persons had to be fully involved in the relevant decisions and processes and recommended that a survey of intent and a needs-based assessment should be carried out in preparation for durable solutions.

Côte d'Ivoire

10. From 16 to 20 June, the Special Rapporteur visited Abidjan, Côte d'Ivoire, to assess the progress made in fostering durable solutions for internally displaced persons, two years after his first mission to the country. He engaged in dialogue with internally displaced persons living in informal settlements.

11. The Special Rapporteur welcomed the fact that the vast majority of internally displaced persons had returned to their area of origin, but stressed their need for support to secure their most basic needs, including shelter, food and water, and to rebuild their lives sustainably. He added that the internally displaced persons who were still in search of durable solutions should not be forgotten, in particular at a time when humanitarian actors were drawing down their activities. He noted that the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa by Côte d'Ivoire in 2014 offered the opportunity to use the Convention as a framework for concerted action on internally displaced persons. He also stressed the need to ensure that internally displaced

persons have a chance to participate in the national elections in 2015 and have their voices heard.

Haiti

12. From 29 June to 5 July, the Special Rapporteur visited Port-au-Prince to assess the overall situation of internally displaced persons in Haiti, four years after the earthquake. With humanitarian activities being scaled down, the Special Rapporteur called for a transition from a largely humanitarian approach to development strategies that would include durable solutions for internally displaced persons against the backdrop of addressing vulnerability and extreme poverty. He reaffirmed the primary responsibility of the Government to work towards development rights-based approaches to alleviating poverty while incorporating durable solutions for internally displaced persons. The long-term issues, such as housing, land and the land tenure system, the integration of internally displaced persons into local neighbourhoods and the development of sustainable livelihoods through the rental subsidy scheme for internally displaced persons, in addition to the most immediate needs relating to sanitation and clean and safe water, were identified as key priority areas for internally displaced persons and the population at large in the search for durable solutions. The Special Rapporteur recommended that efforts should be made to integrate internally displaced persons into sectoral reforms, including the new housing policy, and that the necessary profiling, needs assessments and surveys of intent should be carried out among all internally displaced persons, including those who had left the camps, to verify whether they had found durable solutions.

Requests for country visits

13. Since his previous report, the Special Rapporteur has made or reiterated requests to visit various countries, including the Central African Republic, Colombia, the Philippines, the Syrian Arab Republic and Ukraine.

C. Cooperation with regional and international organizations

14. The Special Rapporteur is pleased to report on his continuing collaboration with regional and international organizations. He engaged closely with the African Union on the promotion, ratification and implementation at the national level of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. For that purpose, he visited the African Union headquarters on 20 and 21 March and 14 and 15 August.

15. The Special Rapporteur participated in a joint initiative of the Organization for Security and Cooperation in Europe (OSCE), including delegations from participating States, and the Office of the United Nations High Commissioner for Refugees (UNHCR) on 22 July to promote a more collaborative approach to addressing displacement using the Protection Checklist, elaborated jointly by OSCE, UNHCR and his mandate, as a tool for ensuring the protection of displaced populations and affected communities at all stages of conflict. He also informed the OSCE participating delegations of his findings in OSCE participating States affected by displacement, following his missions to Georgia (10-14 June 2013), Serbia, including Kosovo (9-12 October 2013) and Azerbaijan (19-24 May 2014).

16. The Special Rapporteur maintained a strong partnership with civil society organizations. In particular, he appreciates the support provided by the Brookings-London School of Economics Project on Internal Displacement, the strategic partnership with the Joint IDP Profiling Service and the collaboration with the Internal Displacement Monitoring Centre. In the field, civil society organizations played a vital role in supporting him, in particular during country visits.

D. Mainstreaming the human rights of internally displaced persons in the United Nations system

17. The Special Rapporteur continued to support the mainstreaming of the human rights of internally displaced persons within the United Nations system and the wider humanitarian community by participating actively in the work of the Inter-Agency Standing Committee, the Global Protection Cluster and the humanitarian affairs segment of the Economic and Social Council.

18. He also addressed the Security Council on 30 May in an Arria-formula meeting focusing on the common goals that the Council and partners, including his mandate, are seeking to achieve:

(a) The restoration of national authority and protection, given that situations in which national authorities are dysfunctional, or are among those perpetrating arbitrary displacement, are often determined to be a threat to international peace and security;

(b) The protection of civilians, which includes ensuring the safety of internally displaced persons in areas of refuge, during flight and upon return;

(c) Ensuring durable solutions, which is a long and complex process that confronts not only humanitarian and development challenges, but also peacebuilding challenges.

19. The Special Rapporteur, with his two predecessors, participated in a panel session held on 11 and 12 December 2013 as part of the dialogue on protection challenges organized by UNHCR on the theme "Protecting the internally displaced: persisting challenges and fresh thinking". Calls were made for better cooperation between humanitarian and development actors from the early stages of displacement and for the needs of internally displaced persons to be included in the post-2015 development agenda.

20. In June 2014, the Special Rapporteur participated in a Central and West African consultation, held in Abidjan, in preparation for the World Humanitarian Summit, where he advocated the inclusion of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and durable solutions for internally displaced persons in the outcomes of the consultation.

III. Achieving durable solutions for internally displaced persons in urban settings

A. Introduction

Relevance of the issue and role of the Special Rapporteur

21. In the present report, the Special Rapporteur aims to provide guidance and raise greater awareness to build momentum on the complex issue of durable solutions for internally displaced persons in urban settings, focusing in particular on local integration. An urban context has various dimensions, including demographic, historical, environmental, economic, social and political aspects, which add to the complexity of responding coherently and sustainably to internal displacement.[2] In addition, there are global mega-trends such as rapid urbanization, population growth and increased human mobility that make achieving durable solutions in urban settings one of the most complex and pressing challenges (see A/66/285, para. 28).

22. For more than 20 years, the mandate holders have consistently addressed urban displacement and its consequences and called for durable solutions during numerous country visits, including to Colombia (A/HRC/4/38/Add.3), Côte d'Ivoire (A/HRC/23/44/Add.1), East Timor (E/CN.4/2000/83/Add.3), Kenya (A/HRC/19/54/Add.2), Somalia (A/HRC/13/21/Add.2), the Sudan (A/HRC/23/44/Add.2) and, more recently, Haiti (report to be submitted to the Human Rights Council at its twenty-ninth session, in June 2015). They have also undertaken considerable work through law and policy support in Afghanistan, Kenya, Somalia and Yemen, considering the specific aspects of urban displacement, on particular matters such as eviction or relocation, notably in the context of climate change and slow-onset disasters that prompt movements of people to urban locations in search of livelihoods, security and safety (see A/66/285, para. 30). In previous thematic reports on a more systematized response to internally displaced persons outside camps (A/HRC/19/54) and the role of humanitarian and development actors in achieving durable solutions for internally displaced persons through peacebuilding in the aftermath of conflict (A/68/225), the Special Rapporteur has also considered other aspects further developed herein.

23. The Special Rapporteur has consistently suggested a wider approach to the response and solutions in urban areas, considering not only the needs of internally displaced persons themselves, but also those of other displacement-affected communities, such as host communities, including the urban poor, communities in areas of return or communities in places to which internally displaced persons are relocated. Such an approach allows similar needs of different groups to be addressed, while not leaving displacement-specific needs unaddressed.

24. The Special Rapporteur notes that the response to internal displacement in urban settings has too often focused on short-term assistance and programming, instead of a solution-focused approach early on in the response that recognizes that urban displacement is often long lasting. Neglecting it can only contribute to impoverishment in urban areas. One need that is distinct and specific to the situation

[2] François Grünewald, "Stratégies: fragiles cités", *Diplomatie*, vol. 17 (2005), p. 72. Available from www.urd.org/IMG/pdf/Diplo17.pdf.

of internally displaced persons is that of a durable solution.[3] The implementation of durable solutions requires the identification of internally displaced persons in urban areas and their location. It is the profiling of internally displaced persons and other displacement-affected communities in urban areas that often provides the needed evidence base to plan for and implement a response geared towards solutions. It also enables the identification of needs that are similar among different groups and those that are specific to the situation of internally displaced persons only.

Conceptual framework on durable solutions

25. The Special Rapporteur recalls that, pursuant to principle 28 of the Guiding Principles on Internal Displacement, the primary responsibility to establish conditions and provide for the achievement of durable solutions lies with State authorities at all levels, including mayors and other municipal authorities that play a central role in this context.

26. Achieving durable solutions for internally displaced persons is a long and complex process. Internally displaced persons must exercise a free and informed choice of durable solutions, i.e. to reintegrate at the place of origin (return), to locally integrate in areas in which they have found refuge (local integration) or to integrate in another part of the country (settlement elsewhere in the country). The Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons is fully applicable to solutions in urban contexts and the solutions process that it outlines is an important indicator for long-term planning processes. A key indicator is, according to the Framework, when internally displaced persons no longer have specific assistance and protection needs linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. However, solutions in urban areas, such as local integration, are often challenged by additional obstacles arising from the specificities of internal displacement in such settings. They are discussed below.

B. Internal displacement patterns in urban areas

27. Patterns of urban displacement are multiple and encompass displacement from rural to urban areas and inter-urban and intra-urban displacement.

28. Displacement in urban areas can stem from conflict in those areas. In some countries, such as Colombia or the Syrian Arab Republic, armed hostilities have taken place largely in urban, and hence densely populated, areas and therefore resulted in record numbers of internally displaced persons in urban areas. Sudden-onset natural disasters that struck urban centres, such as those affecting Tacloban, Philippines, Port-au-Prince or New Orleans, United States of America, had an enormous impact on the inhabitants and resulted in large-scale displacement. Such displacement is often lasting, as the Special Rapporteur witnessed himself in July 2014 during his visit to Haiti, where durable solutions remain distant for many. Many cities in areas prone to sudden-onset or slow-onset disasters — coastal and deltaic areas or riverine zones — face future risks of internal displacement.

[3] See principles 28 and 29 of the Guiding Principles on Internal Displacement and article 11 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

29. Flight to urban areas following conflict or disaster in another part of the country is also a common feature of internal displacement today. Urban areas may promise more safety than rural areas as a result of the anonymity and invisibility that one can acquire there. For example, there are girls in Abidjan who were victims of sexual violence in places of displacement in rural areas or who became pregnant during displacement and moved to the city. A primary reason for flight to urban areas is family links, but the hope of finding alternative livelihoods is also a factor that influences the flight of internally displaced persons, who often lose their original livelihoods through displacement. Similarly, education opportunities and better services, such as special health care, regularly lead to flight to urban areas and peripheries. Urban areas may therefore allow internally displaced persons to better maintain their coping mechanisms and resilience, albeit at low levels.

30. Some urban areas, such as in Darfur, have grown expansively, thereby enveloping camps for internally displaced persons that were originally located away from the areas in question. Elsewhere, such as in Port-au-Prince, some internally displaced persons live in urban settlements for the displaced that are joined with poor urban informal settlements. In other instances, it is common to find urban internally displaced persons in unused public buildings or on unused public land, in rented private buildings living invisibly within host communities or in host families. Their living conditions in urban areas are often precarious and, regularly along with the urban poor, they often live in urban parts or peripheries that are not connected to basic services and far from livelihood opportunities, where transportation is not affordable for them or does not exist. A study carried out by UNHCR and the World Bank on Afghanistan showed that only one third of the internally displaced persons surveyed had access to electricity, adequate supplies and sanitation facilities.[4] In Kabul, informal settlements for internally displaced persons are not protected against the harsh weather conditions, which caused the deaths of several children during the winter of 2012.

31. The impacts of crises on urban contexts lead to combining factors such as the deterioration of urban living conditions, spatial disorganization, the loss of social structure, administrative deregulation or institutional instability. Urban displacement regularly results in a significant increase in the urban population. This normally causes fear or actual situations of overstretched basic services, such as health centres or schools, especially where service provision was limited or insufficient before displacement or if conflicts or disasters have damaged the infrastructure.[5] Similar fears or realities hold true where natural resources, such as water, are scarce or where urban unemployment rates are high. This underlines the importance of considering the situation of internally displaced persons and other displacement-affected communities in urban areas in finding durable solutions that allow both similar and distinct needs of internally displaced persons to be met.

32. The lack of urban planning creates specific needs for internally displaced persons in urban informal settlements. Most urban environments already face

[4] World Bank Economic Policy and Poverty Team for South Asia and UNHCR, "Vulnerability of internally displaced persons in urban settings" (2011). Available from http://siteresources.worldbank.org/AFGHANISTANEXTN/Resources/305984-1326909014678/8376871-1334700522455/IDPPolicyBriefEnglish.pdf.

[5] See Joint IDP Profiling Service, "Guidance for profiling urban displacement situations: challenges and solutions" (June 2014). Available from http://reliefweb.int/sites/reliefweb.int/files/resources/original_GuidanceUrbanProfiling_JIPS.pdf.

difficulties relating to space management and shortage of land generally and for internally displaced persons in particular. Solutions relating to land and housing can be compounded by the destruction of houses or the deterioration of land caused by conflict or disaster. The complexity of the absence of land tenure systems and the lack of available and affordable land in urban areas and comprehensive urban planning may exponentially increase the difficulty of identifying long-term housing solutions for urban dwellers and urban internally displaced persons.[6]

More comprehensive urban planning and protection

33. Urban planning, or the lack thereof, has an impact on the rights of urban internally displaced persons. Their access to adequate housing requires comprehensive public policy interventions by the national authorities as a framework for the provision of housing and the engagement of development partners. Urban development should therefore go hand in hand with adequate planning and resources that would address the housing needs of internally displaced persons in the context of durable solutions. Urban development planning serves as a guide to investment in housing and infrastructure by both public and private actors so that investment is integrated and contributes strategically to urban growth. In most contexts affected by urban displacement, however, urban planning frameworks are outdated, non-existent or in the midst of a process of revision.[7] The disconnect between the urban planning time frame and the onset of internal displacement adds another layer of complexity. Urban planning processes, when they exist, are often agreed upon for a long-term period, leaving little leeway, if any, with regard to how to accommodate flows of internally displaced persons. Such processes should therefore be informed by displacement dynamics and be made more flexible in order to better adapt to situations of urban internal displacement. In this regard, tools and strategies put in place by humanitarian and development agencies after a crisis, such as the provision of shelter, the relocation to urban settings or the provision of assistance to host families, could benefit long-term urban planning if they are better synchronized from the very onset of displacement. As indicated in the UNHCR-World Bank study on Afghanistan, urban planning should provide for the regularization or planned relocation of informal settlements, given the uncontrolled growth of slums whose inhabitants remain on the margins of society in impoverished conditions. Clarity of policy and action is a prerequisite to finding just and practicable solutions to the challenges of unplanned urbanization and its relationship with poverty and risk factors. An appropriate legislative and administrative framework regulating urban planning and housing should include dialogue and collaboration between all relevant stakeholders, beginning with all ministries potentially involved in the process, international organizations (both humanitarian and development actors), civil society and displacement-affected communities, internally displaced persons and their representatives.[4]

[6] See Brookings Institution and International Organization for Migration, "Supporting durable solutions to urban, post-disaster displacement: challenges and opportunities in Haiti" (2014). Available from http://publications.iom.int/bookstore/free/Supporting_Durable_SolutionstoDisplacement_Haiti_Feb2014_Brookings.pdf.

[7] See Simone Haysom, *Sanctuary in the City? Urban Displacement and Vulnerability: Final Report* (London, Humanitarian Policy Group, June 2013). Available from www.citiesalliance.org/sites/citiesalliance.org/files/ODI-Report.pdf.

Specific protection concerns for internally displaced persons in urban areas

34. Internally displaced persons in informal urban settlements typically reside in makeshift shelters, where they are barely protected from intruders and are exposed to the risk of sexual and gender-based violence. Urban displacement leads to changes in gender relations, thereby increasing risks of domestic violence,[7] sexual and gender-based violence, survival sex, exploitation and forced labour. Access to protection and assistance for internally displaced women is vital.

35. The absence of the rule of law is aggravated by ineffective local authority and policing. The lack of security of land tenure, extinct tenancy agreements and/or the absence of other forms of user rights further expose internally displaced persons to the risk of (forced) evictions and therefore to secondary displacement, which results in increased protracted displacement and significantly hampers durable solutions. Forced eviction of urban internally displaced persons, without providing alternative housing and without recourse to legal remedies, is an increasing phenomenon of urbanization and urban planning and upgrading initiatives. As noted above, urban planning must be combined with the durable solution needs of internally displaced persons and displacement-affected communities in urban areas.

36. The challenges posed by unequal and discriminatory access to education, health services or employment are protection risks regularly faced by internally displaced persons in urban areas and may sometimes be compounded by the lack of individual documentation. The loss or lack of documentation in urban contexts can further exacerbate the already-dire situation of internally displaced persons, given that, without identification, it is generally impossible to sign a lease, seek formal employment or even gain legitimate access to a mobile telephone or the Internet.[8] In some countries, such as Côte d'Ivoire, internally displaced persons are put at risk of statelessness. This situation also increases the chances of being arrested, being forced to pay a bribe and intimidation[8] and renders access to health care, education and other services more difficult.

37. In many instances, the lack of access to adequate housing for internally displaced persons, in particular in urban areas, remains a perennial problem, irrespective of the length of displacement. In Afghanistan, internally displaced persons who live in temporary shelters, shacks or camps more than five years after being displaced account for as much as 61 per cent of the internally displaced population.[4] Durable housing strategies, for example in Serbia, including Kosovo, should be considered to be part of durable solutions with livelihood opportunities for the local integration of those displaced in urban areas.

C. Challenges and opportunities in achieving durable solutions

Challenges

Coordination

38. The competent authorities have the primary duty and responsibility to establish conditions and means that allow internally displaced persons to attain durable solutions (see principle 28 of the Guiding Principles on Internal Displacement).

[8] Jeff Crisp, Tim Morris and Hilde Refstie, "Displacement in urban areas: new challenges, new partnerships", *Disasters*, vol. S1 (2012).

Very often, however, there is a lack of coordination between the national and municipal authorities when it comes to carrying out that duty at the level of policy formulation and implementation, which leads to policy gaps. Municipal authorities tend to prefer short-term measures of forcible eviction or return of urban internally displaced persons to their places of origin, if possible.[7] This challenge can be dealt with through law and policy as tools for providing the basis for coordination and, as stated above, the mandate holders have given law and policy development support in specific instances of urban displacement, such as in Afghanistan, Kenya, Somalia and Yemen.

Effective long-term response

39. A comprehensive understanding of all the structural and cyclical causes of particular urban displacement dynamics is necessary for national Governments and local or municipal authorities and the international community to respond effectively using an all-encompassing durable solution approach. For example, in Afghanistan, while conflict and insecurity are usually the first reported causes of displacement, the loss of means to meet basic needs, services and livelihoods during such displacement emerge strongly as concurrent factors driving displacement to urban areas. The Special Rapporteur therefore calls for an effective national and international response to internal displacement in urban settings, which should be based on a long-term focus on durable solutions from the outset of such displacement. Understanding of urban displacement shows that short-term responses focused on assistance and programming mitigate the situation of urban internally displaced persons in the short term, but are inadequate to deal with the often long-lasting characteristic of urban displacement and the consequential impoverishment of internally displaced persons and displacement-affected communities. This effective long-term response approach entails the joint engagement of humanitarian and development actors, which the Special Rapporteur considered in his report to the General Assembly in 2013 (A/68/225).

Challenges relating to profiling and participation of internally displaced persons

40. The Special Rapporteur reiterates the overall importance of profiling as a collaborative information-gathering process, which is indispensable for advocacy on durable solutions, policymaking and, most notably, planning and implementing durable solutions. Profiling is often more complex in urban settings, where internally displaced persons and displacement-affected populations live in informal settlements, usually without personal documentation, and where basic data are sometimes non-existent. Settlements for internally displaced persons, for example in Darfur, are not always static, whether in size or in location. In Mogadishu, which hosts one of the world's largest urban populations of internally displaced persons, the number of settlements has often increased uncontrollably and some settlements have shifted, as a whole or in part, on account of evictions or other secondary displacement.

41. Given that national censuses often omit informal settlements or internally displaced persons for lack of documentation, there may be little knowledge of the size or profile of the urban internally displaced population. National censuses, as conducted in Cote d'Ivoire in 2014, must be designed to identify internally displaced persons and their location. Experience shows, however, that, when confronted by outsiders asking questions, internally displaced persons feel

threatened, especially if they fear eviction or if they are asked questions relating to the informal sector.

42. Such complexities do not serve as excuses for not undertaking profiling, given that the failure to do so complicates planning and programming regarding durable solutions and may actually render such solutions unsustainable. Rather, the complexities point to the need for and importance of specialized and knowledge-based services in the field of profiling, such as those provided by the Joint IDP Profiling Service. Georgia, Serbia and Sri Lanka offer examples of recent profiling exercises in the context of durable solutions. The Special Rapporteur insists on the absolute necessity of profiling exercises to ensure that policies and programmes effectively respond to the evidence-based durable solution needs of internally displaced persons. In many contexts, the lack of cross-thematic profiles of the experience and intentions of displaced persons makes programming and policies less adapted and accurate.[5] As often emphasized by the Special Rapporteur, the profiling exercise should, to achieve its goal, remain participatory and respectful of the anonymity required for the protection of those concerned.

Comprehensive understanding of the framework of durable solutions

43. Transitional solutions are sometimes mistaken for durable solutions. For example, in the case of Haiti, many actors understood durable solutions only in terms of camp closures or access to housing, overlooking the cross-sectoral and protection dimensions of durable solutions. The Special Rapporteur recalls that a comprehensive understanding of the framework of durable solutions is well embedded in the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons. He reiterates the importance of using and implementing the Framework in efforts by the competent authorities, the international community, civil society and other stakeholders to tackle durable solutions comprehensively. A recent study by the International Organization for Migration and the Brookings Institution on durable solutions in Haiti disclosed that, even among those familiar with the Framework, there were debates on how to make it more specific and operational and there were concerns that it would favour preferential treatment for internally displaced persons compared with the urban poor and other groups at risk.[6] Lopsided views on durable solutions underscore the importance of advocacy, awareness-raising and a comprehensive approach that absorbs the context of development, vulnerability or poverty and also displacement-affected communities.

44. As the Special Rapporteur mentioned in his previous thematic report to the General Assembly, the barriers between development, peacebuilding and humanitarian actors are numerous and include various planning cycles, time frames, mandates, operational systems, terminology, vocabulary and approaches to working with Governments (A/68/225, para. 42). One way of bridging those gaps is to ensure that all actors involved in issues of urban displacement are aware of and trained on the rights based-approach to durable solutions of the Framework on Durable Solutions, in addition to how to better engage with local governments, local communities and internally displaced persons themselves to ensure that their rights and their perspectives are adequately integrated into programming and urban planning (see A/HRC/19/54, para. 25).

Durable solution projects for internally displaced persons

45. The Special Rapporteur notes that interesting projects and practices have been tested in various contexts in the search for durable solutions for internally displaced persons. Not enough time has passed and no cross-studies have been carried out to identify the most effective measures and the reasons for their success in any given context, however. In this regard, the Special Rapporteur strongly encourages that such comparative research be carried out. He is currently working with other partners on a project to measure progress in achieving durable solutions for internally displaced persons based on the identified criteria of the Framework on Durable Solutions using commonly agreed measurement indicators.

46. In some contexts, government and municipal authorities, sometimes with the support of international stakeholders, have developed urban planning initiatives that do seek to take the specificities and needs of internally displaced persons into consideration. In Afghanistan, for example, a newly adopted national policy on internal displacement provides for measures to ensure that internally displaced persons in informal settlements are permitted to upgrade their accommodation to meet the internationally agreed Sphere standards for emergency shelter, explore community-level initiatives to lend, rent or sell land in areas in which they have settled and identify other options that would grant them security of tenure, such as usufruct schemes.[9]

47. The municipal authorities of Kabul and the Government are working with the Japan International Cooperation Agency to develop an urbanization plan for the building of new housing units over the coming eight years. The expected benefits include strengthened municipal capacity to manage urban development and deliver services; improved institutional coordination and monitoring of key urban indicators; increased access to basic services for urban households; phased regularization of tenure for 50 per cent of households living in informal settlements; upgraded public services and facilities, including new urban area development; increased availability of affordable shelters, including an increase of 50 per cent in the number of housing units and of 30 per cent in the area of serviced land on the market, coupled with access to affordable finance; and an improved urban environment with green areas and open spaces.[10] It is to be noted, however, that, while internally displaced persons are expected to benefit from the initiative, the plan has been criticized for ignoring the informal settlements in which many live. Furthermore, it may be difficult to relocate internally displaced persons and other groups living in informal settlements en masse.

48. With regard to cash-grant mechanisms, which include grants for the reconstruction and repair of houses and rental subsidy schemes, they attempt to strengthen tenure security for internally displaced renters, while ensuring that those internally displaced persons move into properties that meet minimum safety standards. For example, in Haiti, two years after the earthquake, the Government addressed some displacement-related housing, land and property issues in the

[9] See Shobha Rao and Jan Turkstra, "Enhancing security of land tenure for internally displaced persons", *Forced Migration Review*, No. 46 (May 2014). Available from www.fmreview.org/en/afghanistan.pdf.

[10] See Rainer Gonzalez Palau, "Rapid urbanization and displacement: the case of Kabul City" (September 2013). Available from www.cimicweb.org/cmo/afg/Documents/Social_Infrastructure/20130924_CFC_Urbanisation_Displacement_Kabul.pdf.

context of its "16/6" project. The project, first launched in August 2011, envisaged the reconstruction of 16 earthquake-affected neighbourhoods and the closure of six major related camps by providing grants to the internally displaced persons living in those camps to rent housing, to construct a new house or to repair their own houses that were damaged by the earthquake. With regard to the rental subsidy mechanism, it also attempted to raise awareness of renters' rights and required the signing of a formal lease.[6]

49. While providing rental cash grants can contribute effectively to rebuilding capacity for internally displaced persons who have lost all their assets and provide them with some autonomy in their access to housing, some critics have stressed that the cash interventions would have been better had they been oriented to the market context, i.e. a commensurate increase in the housing stock to avoid "rehoused" internally displaced persons going to overcrowded areas, inhabiting unsafe and informal urban expansions or forming new camps. Criticism also included timing issues, given that the camps were closed before all the internally displaced persons concerned had been offered appropriate alternative housing. The uncertainty and lack of coordination could have been avoided with better preparedness and consultation with those concerned. On the positive side, the Special Rapporteur notes that the 16/6 project was not limited to cash interventions, but also included raising awareness of living standards, vocational training, livelihood programmes and enhanced access to basic services.

50. The Special Rapporteur emphasizes that, to offer durable solutions for internally displaced persons and the communities in which they live, cash interventions should be accompanied by income-generating or other livelihood activities, which also benefit the community, such as the development of small businesses and legal support in housing, land and property matters to facilitate length and security of tenure. In addition, those interventions should be accompanied by measures ensuring access to basic services for the benefit of the entire community. For example, in Bogota, the mayor's development plan for the city, which seeks to a create "a more humane Bogota", puts at its core the promotion of the human rights of victims of the armed conflict who fled to Bogota and the implementation of the Victims and Land Restitution Act adopted in 2011. Article 12 pertains to the implementation of the Act, article 21 relates to the housing programme for internally displaced persons and article 42 deals with how internally displaced persons will receive health services. Elected mayors of the various localities within Bogota have also initiated projects for the economic development of internally displaced persons living in those localities. In January 2014, the mayor of the Bosa locality developed a project to promote and assist entrepreneurial projects for vulnerable populations, specifically for internally displaced persons and persons with disabilities.

51. The Special Rapporteur also encourages initiatives aimed at including existing informal settlements in comprehensive urban planning schemes, thereby increasing security of tenure and adequate living conditions, including in terms of access to services. In the case of Somalia, national and local authorities, United Nations agencies and international non-governmental organizations worked together to devise a comprehensive urban development plan to address the precarious living conditions of internally displaced persons in Boosaaso. Of the inhabitants of Boosaaso, 1 in 4 is internally displaced, with most residing in cramped and unsanitary squatter camps on the peripheries of the city. The private owners of the

land on which displaced persons were living forced them to pay high rents, offered no protection from fires that frequently destroyed large sections of the settlements and forbade the construction of any sanitary infrastructure such as wells or latrines.

52. The United Nations Human Settlements Programme, along with international non-governmental organizations, suggested a plan based on principles of sustainable urbanization, slum prevention and incremental upgrading. Aspects of the intervention included what is termed a "build back better approach" to emergency response from fires, which took fires as an opportunity to introduce firebreaks and mobile shelter kits made of metal poles and fire-retardant canvas to prevent the spread of future fires. The intervention also involved disaster-preparedness programmes. Furthermore, a simple training guide for upgrading temporary settlements, aimed at municipal officials and community leaders, was developed to allow for a swift transfer of the basic skills needed and to empower displaced people to initiate improvements themselves.[11] This intervention halved the number of families affected by fires.

53. In addition, a campaign was launched regarding the rights of internally displaced persons to land tenure in Boosaaso. Consequently, landlords entered into an agreement with local authorities and representatives of various displaced groups, which opened the door to upgrading the settlement and included simple principles preventing ad hoc evictions. The campaign mobilized local authorities and traditional/religious leaders to define what would no longer be acceptable in the community. It focused on the positive contribution of internally displaced persons to the local economy and the impact on the host community of unhygienic conditions and heightened fire risks.

54. Other initiatives involve camp formalization. In some instances, internally displaced persons have lived in camp settings for years and created ties among one another, to the land that they occupy and to the neighbourhood communities. In such cases, camp formalization through local integration may be the best solution. This presupposes, however, that the authorities concerned solve the land tenure issue, among others.

55. The Special Rapporteur encourages initiatives that reinforce local capacity for the achievement of durable solutions. In this regard, the community resource centre run by the International Organization for Migration in Haiti is an example of how camp coordination and camp management tools relating to durable solutions can be used in urban environments and outside camps. The centre's objective is to use a community platform to provide municipalities with a district-level structure to support the planning, coordination and provision of information on reconstruction, return and local development. The main aim is to support local structures and provide both a hub for coordination and a physical space to be handed over at a later stage. This is therefore an example of how developing the capacity of local

[11] See Filiep Decorte and Tempra Ombretta, "Improving living conditions in Bossaso, Somalia", *Forced Migration Review*, No. 34 (February 2010). Available from www.fmreview.org/en/urban-displacement/16-18.pdf.

structures can contribute to making the transition from the humanitarian phase and early recovery and promoting durable solutions to coordination and participation.[12]

56. In disaster-prone areas, capacity-building initiatives should increase preparedness to respond to recurrent disasters with the aim of preventing further displacement. Such programmes already exist and should be replicated, if possible.

Opportunities and good practices

Ensuring the participation of internally displaced persons in durable solutions

57. In accordance with the Framework on Durable Solutions, all relevant actors need to respect the right of internally displaced persons to make an informed and voluntary decision on what durable solution is best for them. Internally displaced persons participate in urban economies, rent or buy urban housing and land and, in one way or another, seek to make use of urban opportunities and services.

58. In areas of informal settlements in which extreme poverty and lack of access to basic services prevail, host communities and their leaders have a crucial role to play. They were present before the natural disaster or conflict and will remain once all international actors leave. Durable solutions for internally displaced persons living side by side with other groups in those areas can therefore be reached effectively only with the participation of the community as a whole and community leaders in particular. Oversight by the local authorities in such processes is, however, key to avoiding the tensions and power struggles that often affect groups of internally displaced persons. The capacity of community representatives and local authorities should therefore be built around the common good, i.e. improving living conditions and access to services, reducing the risks for those particularly affected and promoting durable solutions. If their capacity is strengthened, local actors, communities, internally displaced persons and the urban poor in general become less vulnerable to power struggles between political leaders, gangs and large-scale development promoters and therefore increase their protection against urban violence, corruption and real estate speculation. This also presupposes engagement with a wide variety of stakeholders, such as the private sector, which can have a key impact on the reduction of poverty and development of the capacity for internally displaced persons to search for durable solutions, including through access to livelihood.

59. In some cases, such as in Colombia, there are hundreds of associations of internally displaced persons, representing various communities of origin, women's groups or indigenous groups, among others. The Government has set up a consultative process with those associations that reaches out to such groups. The Government of Georgia has also engaged in widespread consultations with internally displaced persons (see A/HRC/26/33/Add.1). While not flawless, such processes represent a meaningful effort by Governments to consult internally displaced persons. Consultations can affect the attitude of the Government towards such persons, as was the case in Afghanistan. For example, until 2013, the authorities had not considered internally displaced persons to be permanent citizens of Herat, but, following the consultations, the political elites of the city now

[12] CCCM Global Cluster, "UDOC: urban displacement and out of camp review" (2014), p. 49. Available from www.globalcccmcluster.org/tools-and-guidance/publications/urban-displacement-out-camps-review.

acknowledge the permanent settlement of those persons in the city. In a major breakthrough, the Government is now considering upgrading and regularizing the Maslakh settlement.[9] Measures aimed at achieving durable solutions for internally displaced persons can therefore yield positive results when internally displaced persons are treated not as objects, but as active participants in the search for, and implementation of, durable solutions.

IV. Conclusions and recommendations

60. **Achieving durable solutions for internally displaced persons in urban settings brings with it a set of complexities that States, local authorities, humanitarian and development actors, civil society and internally displaced persons themselves still need to address in a comprehensive and coordinated manner. A one-size-fits-all approach has proved to be inconclusive and it is therefore the primary responsibility of Governments to ensure that, in any given context, durable solutions to urban displacement are found, with the full participation of those affected. Political will in any given context from all stakeholders involved is of the essence.**

61. **Durable solutions remain available options for internally displaced persons, including those in urban settings. The very nature of urban displacement, however, tends to lend weight to local integration as the viable choice preferred by internally displaced persons in urban areas. Informed by the Guiding Principles on Internal Displacement and the Framework on Durable Solutions for Internally Displaced Persons, the Special Rapporteur reiterates his recommendations made in his previous reports (A/HRC/19/54 and A/68/225) and adds the following recommendations to:**

States affected by displacement

(a) **Insofar as internally displaced persons in urban settings are often invisible and live among the urban poor, continue to work to identify them and their location, whether with host families or elsewhere, in line with the Guiding Principles on Internal Displacement;**

(b) **Ensure that all causes and dynamics of displacement are addressed and that all three durable solution options are included in national laws and policies for internally displaced persons;**

(c) **Develop national frameworks, structures and policies on internal displacement, as already recommended (see A/68/225, para. 59 (a));**

National and municipal authorities

(d) **Ensure the full participation of internally displaced persons in drafting laws and policies that address durable solutions for them and undertake large-scale consultations with communities and neighbourhoods to address their broader concerns with regard to local integration for internally displaced persons or settlement in another neighbourhood and how they can be best implemented in practice, in tandem with host communities and the rest of the displacement-affected urban population;**

(e) Continue to accord priority to and monitor respect for the human rights of internally displaced persons, especially those most at risk of violations, regardless of the duration of displacement and until a sustainable solution is found;

(f) Formulate and carry out awareness-raising programmes for the public and with community representatives on the situation of internally displaced persons and durable solutions for them in urban settings;

(g) Consult internally displaced persons at both the urban planning and implementation stages, for example through community or neighbourhood representations involving both men and women;

(h) Appoint national and provincial task forces to initiate dialogue with municipalities and communities living in the poorest informal urban areas to discuss urgent needs and how to improve living conditions, including through relocation where the land occupied is unsuitable for permanent settlement. Such task forces could build on the decades of experience of Governments and several municipalities in designing and implementing participatory urban development projects targeted at improving the living standards of inhabitants of informal settlements;[4]

(i) Ensure the inclusion of the human rights of internally displaced persons in land tenure security plans, including through detailed mapping of existing public and private services in the sectors concerned;

(j) Establish transparent eligibility criteria for the allocation of land (rental or ownership) for internally displaced persons in urban settings, ensure that, as a right to which they are entitled, internally displaced persons have equal access to property if their means allow them to do so and, in this regard, take affirmative-action measures for access to land in urban areas by internally displaced persons and other urban poor facing similar insecurity of tenure;

(k) Propose settlement elsewhere, accompanied by specific measures, as part of the policy solution package available for internally displaced persons. If possible, local governments, with the support or advocacy of international agencies, should designate resettlement sites as part of disaster preparedness plans or work, taking into account future plans for urban growth, given that resettlement sites, even those deemed "temporary", are almost never temporary and influence urban growth;

(l) On the basis of the World Bank resettlement guidelines,[13] **establish resettlement guidelines to inform decision-making on land allocation procedures for those internally displaced persons unable to integrate locally or to return;**

(m) Develop incentives for return and resettlement to rural areas, accompanied by livelihood schemes and the development of rural areas as an alternative to urbanization;

(n) Establish integrated planning informed by displacement dynamics, with urban development plans, poverty reduction plans, general urban

[13] World Bank, *Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects* (Washington, D.C., 2004).

planning and upgrading, including slum upgrading, to include aspects specific to internal displacement and settlements and be carried out within government frameworks where possible, or alongside State actors;

(o) With the support of international organizations, implement livelihood programmes and vocational training aimed at bridging the gap between the existing skills of internally displaced persons and those required to enter the labour market in their place of displacement; and adapt vocational training to demographic groups, such as matching food and vocational training as a way to enable the participation of women, foster their resilience and obtain community buy-in;

Donor States

(p) Allocate sufficient funding to respond effectively and sustainably to internal displacement in urban contexts and, in that regard, increase the length of the funding cycle to allow actors to meet both immediate and long-term needs and engage State actors in governance-related objectives;

(q) Devote part of that funding to profiling exercises in both conflict-affected and natural-disaster-affected urban areas so as to better grasp the complexity of finding durable solutions for internally displaced persons in urban environments, having recourse to the expertise of the Joint IDP Profiling Service;

International organizations, including humanitarian and development actors, and urban planners as relevant

(r) Promote the development of an inter-agency platform for information management on trends and protection concerns with regard to internally displaced persons, making it publicly available, and develop a more comprehensive understanding of the complexity of urban environments and systems (e.g. responsible urbanization, urban planning and building codes);

(s) Implement the strategy developed in 2010 by the Inter-Agency Standing Committee Task Force on Meeting Humanitarian Challenges in Urban Areas in order to strengthen the ability of agencies to adapt their operations towards the achievement of durable solutions;

(t) Humanitarian and development actors should develop expertise in urban issues to bridge gaps between urban planning and a better understanding of displacement dynamics and should ensure the presence of urban advisers in their rosters;

(u) Establish a glossary of what a rights-based approach to internal displacement in urban settings means for humanitarian and development actors and urban planners;

(v) Address urban internal displacement, not only as a humanitarian concern, but also as a development concern and, in this context, implement the Inter-Agency Standing Committee recommendations on strengthening early recovery, ensuring that early recovery is integrated into all phases of the humanitarian programme cycle from the very onset of an emergency and that the approach is mainstreamed into the programming of other clusters;

(w) Urban planners should engage before crises, or as early into crises as possible, to build on existing capacity and coping mechanisms;

(x) Humanitarian actors should work more closely and effectively with municipal authorities, given that they are often the first point of contact with internally displaced persons, and, in particular, support government measures to find durable solutions for internally displaced persons by carrying out regular profiling exercises, including in informal settlements, with the participation of internally displaced persons, and undertake a study on mixed opportunities to reduce the risks facing internally displaced persons such as in areas of housing, access to livelihood and basic services;

(y) Undertake a comparative study on good practices with regard to housing, land allocation, tenure security and rental subsidies and assess the efficiency of protection against forced evictions;

(z) Given the little knowledge on the impact of displacement on health and emotional well-being and its influence on urban dynamics, expand research on protection gaps and needs, especially those of internally displaced persons particularly at risk, including women, children and persons with disabilities.